



## THREAT INVESTIGATIONS

**Directive: 12 – 114**

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### I. PURPOSE

The purpose of this Directive is to provide policies, procedures and guidance when investigating certain types of threats.

### II. POLICY

It will be the policy of the Department of General Services Maryland Capitol Police (DGS-MCP) to take all threats, verbal or written, seriously and respond in an aggressive and thorough manner. All reasonable and prudent measures will be taken to minimize the possibility that the person who made the threat will be successful.

### III. PROCEDURES

#### A. Duties and Responsibilities

1. When a Police Officer becomes aware that a threat has been made, orally or in writing, to do harm to any person or any property owned, leased, or controlled by the State, the officer will initiate an investigation. The investigation will include the following:
  - (a) If the police dispatcher is not aware of the threat, the officer will notify the Police Communications Operator that a threat had been allegedly made and give location of the person who reported the threat.
  - (b) The reporting person and anyone else that may have knowledge of the threat or the person who made it should be interviewed.
  - (c) Since all threats are taken seriously until proved to be false, the interviews should be thorough and detailed.
  - (d) During the course of the interviews, the police officer should attempt to obtain the following information:
    1. Date and time threat was made.
    2. Any background noises heard if threat was made by phone.
    3. The exact words of the person that made the threat.
    4. Identity of the parties involved and a complete description of the suspect.

5. If caller identification information still available, the phone number from which the call was made if the threat was telephoned.
      6. The name of the person or property that was the object of the threat.
      7. Ascertain if the same person has made other threats in the past.
    - (e) The Police Officer will write and submit a crime report if the making of such a threat constitutes a crime under Maryland law. If no crime has been committed, then the officer will submit an incident report.
    - (f) If the threat was domestic related, the officer will inquire as to the existence of a protective order. (See general order on Domestic Violence)
    - (g) The complainant and witnesses will be instructed to notify the Department of General Services immediately if the person that made the threat is heard from again or seen anywhere in the area.
2. The Police Officer handling the initial investigation will notify the detective section without delay and provide the on-duty detective with all pertinent information concerning the case. If the person that made the threat has been identified, or can be identified with further investigation, the detective will conduct the additional investigation as soon as possible and include the following actions during the investigation:
  - (a) Initiate a computer check to see if the person that made the threat has any prior criminal history.
  - (b) Check for any open arrest warrants by requesting a computer check via NCIC and MILES and then contacting local law enforcement agencies.
  - (c) If a photo of the suspect is available, obtain a photo from the complainant, another law enforcement agency, or other sources.
3. The Police Officer handling the case will make a flier that will be distributed to all security stations of the detachment. If a photo is available, the flier will contain a copy of the photo. In addition to all available identifying information, the flier will describe the nature of the threat that was made, the mention of any weapons by the suspect, and the existence of any outstanding warrants for the suspect's arrest. Security Officers will be instructed to contact the police dispatcher if the individual, or someone believed to be the suspect, tries to enter the building or is observed in the area. The flier will be posted in an inconspicuous location where the Security Officers will see it for the following five days. After the five-day period, the flier will be placed in alphabetical order in the three ring binder containing fliers of persons of interest. The officer will ensure that the binder kept at each security station throughout the Detachment contains a copy of the flier.

4. In the event that a threat was made, or alleged to have been made, against a public official of the State of Maryland or Federal government, the Police Officer will notify the Detachment Commander as soon as possible. The Detachment Commander will make the necessary notifications to the Maryland State Police and any other law enforcement agencies as needed.

## B. Threats

### 1. Arson

- (a) It is a misdemeanor crime in the State of Maryland to threaten to set fire to or bomb a structure. The prescribed penalty for this offense is imprisonment not exceeding ten years, or a fine not exceeding \$10,000, or both.
- (b) The Criminal Law Article of the Annotated Code of the State of Maryland, Section 6-107, states:

*“Prohibited* – A person may not threaten verbally or in writing to:

1. set fire to or burn a structure; or
2. explode a destructive device, as defined in § 4-501 of this article, in, on, or under a structure.”

### (c) Definitions

#### 1. Structure:

- (a) The Criminal Law Article, Section 6-102, states that structure means a building or other construction, a vehicle, or watercraft.
- (b) Structure includes a barn, stable, pier, wharf, and any facility attached to a pier or wharf, tent, public building, public bridge and railroad car.

#### 2. Destructive Device:

- (a) The Criminal Law Article, Section 4-501, states that destructive device means explosive material, incendiary material, or toxic material that is:
  1. combined with a delivery or detonating apparatus so as to be capable of inflicting injury to persons or property; or
  2. deliberately modified, containerized, or otherwise equipped with a special delivery, activation, or detonation component that gives the material destructive characteristics of a military ordnance.

- (b) Destructive device includes a bomb, grenade, mine, shell, missile, flamethrower, poison gas, Molotov cocktail, pipe bomb, and petroleum-soaked ammonium nitrate.

## 2. Public Officials

### a. Definitions

#### 1. Local official:

- (a) The Criminal Law Article, Section 3-708, states that local official means an individual serving in a publicly elected office of a local government unit, as defined in § 10-101 of the State Government Article.
- (b) The State Government Article, Section 10-101, defines local government unit to include county and municipal government.

#### 2. State official:

- (a) Maryland State Government Article, Section 15-102, defines a state official as:
  - 1. A constitutional officer or officer-elect in an executive unit.
  - 2. A member or member-elect of the General Assembly.
  - 3. A judge or judge-elect of a court under Article IV, § 1 of the Constitution.
  - 4. A judicial appointee as defined in Maryland Rule 16-814.
  - 5. A State's Attorney.
  - 6. A clerk of the circuit court.
  - 7. A register of wills.
  - 8. A sheriff.
- (b) A judicial appointee is defined in Maryland Rule 16-814 as a master, examiner, auditor, referee appointed by the Court of Appeals of Maryland, the Court of Special Appeals of Maryland, a circuit court or an Orphans' Court, or a commissioner appointed by the Administrative Judge of the District Court of Maryland.
- (c) It should be noted that an Assistant State's Attorney is not included in the definition of state official. (*Gillespie v. State* – 2002)
- (d) Maryland State Government Article, Section 3-102, describe “constitutional officers” as being the individuals that fill the following positions: Governor, Lieutenant Governor, Comptroller, Treasurer, Attorney General, and Secretary of State.

b. Criminal Law Article, Section 3-708, states:

1. A person may not knowingly and willfully make a threat to take the life of, kidnap, or cause physical injury to a State official or local official.
2. A person may not knowingly send, deliver, part with, or make for the purpose of sending or delivering a threat prohibited by this section.
3. Any person that violates Section 3-708 is guilty of a misdemeanor.

### 3. Telephone

a. Telephone Misuse - Criminal Law Article, Section 3-804, states that a person may not use telephone facilities or equipment to make:

1. An anonymous call that is reasonably expected to annoy, abuse, torment, harass, or embarrass another;
2. Repeated calls with the intent to annoy, abuse, torment, harass, or embarrass another; or
3. A comment, request, suggestion, or proposal that is obscene, lewd, lascivious, filthy, or indecent.

b. A person who violates Section 3-804 is guilty of a misdemeanor.